

TOMMY J. SEXTON, )  
)  
Plaintiff, )  
)  
v. ) No. 4:07CV02010 ERW  
)  
STATE OF MISSOURI, )  
)  
Defendant. )

This matter is before the Court upon the motion of plaintiff for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. Plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, however, his complaint will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. Neitzke v. Williams, 490 U.S. 319, 327 (1989). Even affording the complaint the benefit of a liberal construction, it is frivolous. The complaint is largely incoherent and incomprehensible. Plaintiff has failed to identify which of his constitutional rights he believes have been violated, and/or the individuals responsible

for the purported violations. Boyd v. Knox, 47 F.3d 966, 968 (8th Cir. 1995) (no respondeat superior liability under 42 U.S.C. § 1983). As a result, plaintiff's complaint fails to state a claim upon which relief can be granted against the named defendant. Additionally, the assertions contained in the complaint are clearly delusional and are, therefore, properly dismissed under § 1915(e)(2)(B). Denton v. Hernandez, 504 U.S. 25, 32-33 (1992).


Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk shall not issue process or cause process to issue upon the complaint because the complaint is legally frivolous or fails to state a claim upon which relief can be granted, or both.

An appropriate order of dismissal shall accompany this Memorandum and Order.

So Ordered this 4th Day of January, 2008.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE